



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 05 2016

Mavis Busiek

Springfield, MO 65809

RE: MUR 7046

Dear Ms. Busiek:

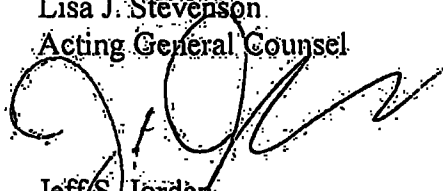
The Federal Election Commission reviewed the allegations in your complaint received on April 21, 2016. On November 30, 2016, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations and close its file in this matter. Accordingly, the Commission closed its file in this matter on November 30, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). A copy of the dispositive General Counsel's Response is enclosed for your information.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: 
Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

SENSITIVE

3 Although there is insufficient information to determine if Evans met the definition of a candidate under
52 U.S.C. § 30101(2), for purposes of this analysis, we treat this matter under the same standards as applied to
registered congressional candidates.

did not initially include any disclaimers, however, it appears that disclaimers were added soon after Evans became aware of the issue.⁴

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, and the quick remedial action of adding disclaimers to the website, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

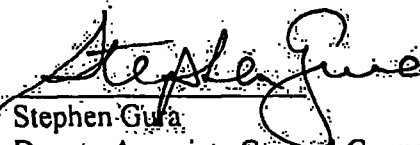
⁴ Notification of the Complaint was mailed to Evans on April 27, 2016. Evans responded via email on May 8, 2016, stating that disclaimers had been added to the website.

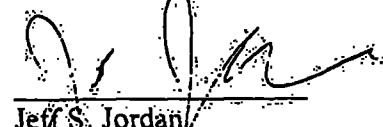
Lisa J. Stevenson
Acting General Counsel


Kathleen M. Guith
Acting Associate General Counsel
for Enforcement

11.10.16
Date

BY:


Stephen Gura
Deputy Associate General Counsel
for Enforcement


Jeff S. Jordan
Assistant General Counsel
Complaints Examination
& Legal Administration


Donald E. Campbell
Attorney
Complaints Examination
& Legal Administration

1604440071
0377404440071